

December 13, 2012

Via Electronic Comment Filing System

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street S.W.
Washington, DC 20554

Re: WAGM-TV, Presque Isle, ME (Fac. ID No. 48305)
Polaris Cable, Houlton, Maine
Request for Financial Hardship Waiver of CALM Act, MB Docket 11-93

Dear Ms. Dortch:

On behalf of NEPSK, Inc. ("NEPSK"), licensee of WAGM-TV, Presque Isle, Maine ("WAGM"), and owner of Polaris Cable ("Polaris"), Houlton, Maine, we hereby submit a request for a one-year financial hardship waiver of the Commercial Advertisement Loudness Mitigation ("CALM") Act (the "Act") rules, pursuant to §2(b)(2) of the Act.¹ NEPSK fully intended to obtain and install the equipment required to ensure compliance with the CALM Act prior to December 13, 2012, but events beyond NEPSK's control, coupled with the financial challenges of operating in a small market, have prevented NEPSK from obtaining and installing the necessary equipment.

Both WAGM and Polaris qualify for a one-year, streamlined financial hardship waiver. In its *Report and Order* implementing the Act, the Commission recognized that television stations in small markets and small cable systems face greater challenges when budgeting for, purchasing, and installing new equipment.² Accordingly, for "small broadcast stations" and "small MVPD systems," the Commission developed a streamlined waiver process by which such entities could obtain a one-year waiver to acquire and install the necessary equipment for compliance with the Act.³ The Commission defines a "small broadcast station" as a television station located in a market ranked 150 to 210 and a "small MVPD system" as one with fewer than 15,000

¹ This request is timely filed. On December 11, 2012, the Media Bureau extended the deadline for submitting requests for financial hardship waivers to December 13, 2012. See *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, DA 12-2013, at ¶6 (rel. Dec. 11, 2012).

² *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd. 17222, ¶50 (2011).

³ *Id.* at ¶53.

subscribers that is not affiliated with a larger operator serving more than ten percent of all MVPD subscribers.⁴

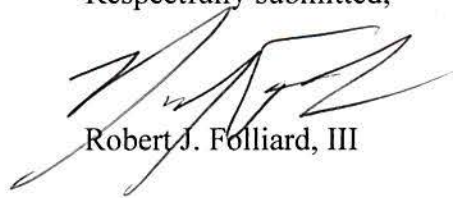
Both WAGM and Polaris satisfy the respective standards for a one-year, streamlined waiver. WAGM is licensed to Presque Isle, Maine, which is the 205th ranked DMA, and Polaris has fewer than 2,500 subscribers and is not affiliated with a larger MVPD.

Both WAGM and Polaris need a one year delay to obtain the necessary CALM Act equipment. Unfortunately, over the past few months, much of WAGM's essential operating equipment was damaged by several lightning strikes, necessitating costly repairs and diverting both personnel and financial resources away from purchasing the CALM-compliant equipment for both WAGM and Polaris in time to meet the December 13 deadline.

Based on the foregoing, NEPSK respectfully requests a one-year extension of time to purchase and install the necessary CALM-compliant equipment to avoid the financial hardship that would result if it were required to obtain the equipment sooner.

Please contact the undersigned if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Folliard, III', is written over the typed name. The signature is fluid and stylized, with a long horizontal stroke at the end.


Robert J. Folliard, III

⁴ *Id.* at ¶¶53-54.

CERTIFICATION OF CATHERINE DONOVAN

I, Catherine Donovan, hereby certify to the following:

1. I am Treasurer and Vice President of NEPSK, Inc., which is the licensee of full-power digital television station WAGM-TV, Presque Isle, Maine, and owner of cable company, Polaris Cable, Houlton, Maine.
2. Polaris Cable is not affiliated with a larger operator serving more than 10 percent of all MVPD subscribers and, as of December 31, 2011, it had fewer than 2,500 total subscribers across six cable systems.
3. To achieve CALM Act compliance, NEPSK intends to obtain and install stereo loudness control equipment including a loudness meter that delivers ATSC A/85 CALM compliance.
4. The grant of this one-year waiver request will allow NEPSK the additional time to obtain funds to purchase the necessary equipment without causing financial hardship.
5. I have read this Declaration and the associated Request for Financial Hardship Waiver of the CALM Act (the "Wavier Request"), and I am familiar with the contents described therein. I hereby certify that facts in the Declaration and Waiver Request are accurate to the best of my knowledge, information, and belief.



Catherine Donovan
December 12, 2012